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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,629	11/20/2003	Kang Soo Seo	46500-000558/US	6344

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2484

MAIL DATE	DELIVERY MODE
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11/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,629	Applicant(s) SEO ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10,13,14,17,18,21,22 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,13,14,17,18,21,22 and 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/26/2010,08/11/2010,07/28/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments filed on 10/13/2010 have been entered and made of record. Claims 1-2, 5-10, 13-14, 17-18, 21-22, and 25-39 are pending.

Response to Arguments

2. Applicant's arguments filed 10/13/2010 have been fully considered but they are not persuasive. See below.

Claim Objections

3. Claims 1, 5-9, 13, 17, 21, 25-30 are objected to because of the following informalities: the claims recite single word 'database'. The word should be replaced with 'data base' as stated in the disclosure. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 5, 13, 17, 21, 25 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite 'the databse area includes type information, the type information identifying whether reproduction using the at least one playitem is synchronized with reproduction using the at least one sub-playitem.' However paragraph 0033 of the present Application (PG PUB) discloses 'the entry point may further include duration information or a

Art Unit: 2484

presentation time stamp (PTS) of audio data to be played simultaneously with the still image picture.” Applicant’s representative stated, during the interview conducted on 09/08/2010, that is where the claimed limitation is supported by the disclosure. First of all, nowhere in the specification is the entry point information which included in the database area is defined as type information. Second, based on paragraph 0033 the entry point does not identify **whether** reproduction using the at least one playitem is synchronized with reproduction using the at least one sub-playitem **or not** (emphasis added). The entry point merely includes duration information or PTS of audio data to be played simultaneously with the still image picture. Therefore the claimed limitation is not supported. Broadest reasonable interpretation consistent with Applicant’s disclosure is given to the claims and rejected broadly. See below.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 5-10, 13-14, 17-18, 21-22, and 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US PG PUB 2002/0145702) in view of Sawabe (US PG PUB 2002/0176695).

Regarding claim 1, Kato discloses a non-transitory computer readable medium having a data structure for managing reproduction of data recorded on the computer readable medium, comprising:

Art Unit: 2484

a data area storing at least first and second clip stream files, the first clip stream file including video data representing at least one still image, the second clip stream file including audio data (see figure 14, paragraphs 0220-0221 and 0339); and

a data base area (see figure 14, info. dvr, menu.thmb, mark.thmb, PLALYIST and CLIPINF and paragraphs 0150) including a playlist area storing a playlist file (see figures 7 and 14), the playlist file including at least one playitem and at least one sub-playitem, the at least one playitem indicating an in-point and out-point of the first clip stream file to reproduce the at least one still image (see figure 63 and paragraphs 0187, 0188, 0252, 0449-0451 and figure 97), the at least one sub-play item indicating an in-point and out-point of the clip stream file to reproduce the audio data (see figure 63, paragraphs 0252 and 0282),

wherein the at least one playitem further includes the duration information indicating a length of time to display an image when the display mode indicates to display the image for a finite period of time (see paragraphs 0448, 0451 and figure 97), and

wherein the database area includes first mapping information between a presentation time and a unit of the first clip stream file and second mapping information between a presentation time and a unit of the second clip stream file (see paragraphs 0194-0196 and 0252 where Kato teaches CPI contained in clip information file and is used for finding a data address in the clip AV stream file; one EP data is made up of a presentation time stamp and a data address in the AV stream of the accessing unit associated with the PTS, with the data address being pointed to the PTS; see figure 72 where the prior art shows the syntax of EP map for one stream; see paragraphs 0349-0351 where the prior art discloses the 32-bit field of PTS_EP_start address with the EP_type defined by EP_map(). If EP_type is equal to 0, PTS of the access unit beginning with a sequence header of video stream and if EP_type is equal to 1, PTS of the access unit of the audio stream), and

the first mapping information includes at least one entry point, every still image in the first clip stream file being pointed to by an entry point (see paragraphs 0349-0351 EP_type is equal to 0, PTS of the access unit beginning with a sequence header of video stream; see paragraph 0414 the video stream must commence at a sequence header, GOP header, and with I_picture; see also paragraphs 0187-0188 the representative picture of the playlist is used as a still, a still picture used for representing playlist content, thumbnail is a still picture).

Claim 1 further differs from Kato in that the claim further requires a display mode indicating to display the at least one still image for a finite period of time if the at least one still image is to be displayed for a finite period of time, the display mode indicating to display the at least one still image for infinite period of time if the at least one still image is to be displayed for an infinite period of time; and a length of time to display at least one still image.

In the same field of endeavor Sawabe teaches a display mode indicating to display the at least one still image for a finite period of time if the at least one still image is to be displayed for a finite period of time (see figure 10A, in response with specified time, figure 10B steps 21-23, and figure 11 steps 40, and 22-23, and paragraphs 0181, 0184-0185, and 0191) the display mode indicating to display the at least one still image for infinite period of time if the at least one still image is to be displayed for an infinite period of time (see figure 10A in response with infinite time, figure 10B steps 21, 24 and 30, figure 11 steps 40, and 24-25 and paragraphs 0182, 0186-0187 and 0192). Sawabe further teaches a length of time to display at least one still image (see figure 11A steps 22 and 23 where the prior art teaches specifying length of time to display the still image).

Therefore in light of the teaching in Sawabe it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato by providing a display mode in order to perform the reproduction reflecting the audience's attention.

Regarding claim 2, Kato discloses the at least one sub-play item includes an indicator indicating that the at least one playitem is related to the at least one sub-playitem such that the audio data is played in association with the at least one still image (see paragraphs 0187-0188).

Regarding claim 5, kato discloses the database area includes type information, the type information identifying whether reproduction suing the at least one playitem is synchronized with reproduction using the at least one sub-playitem (see paragraph 0283-0287 where the prior art teaches SubPath_In_time and SubPath_Out time specify the sub path playback domain and it includes Synch_playitem_id; see paragraph 0195 where the prior art teaches one EP data is made up of a presentation time stamp and a data address; see also paragraph 0154 where the prior art teaches AV synchronization forming the playback domain (playitem) of the AV stream to the audio decoder, see figures 31, 39 and 63).

Claim 6 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 7, the limitation of claim 7 can be found in claim 1 above. Therefore claim 7 is analyzed and rejected for the same reason as discussed in claim 1 above. It is also noted that at least the prior art of Kato teaches a method of reproducing, see paragraphs 0135, 0145, 0152-0155, 0162, 0196 and claim 10 of Kato.

Regarding claim 8, the limitation of claim 7 can be found in claim 1 above. Therefore claim 7 is analyzed and rejected for the same reason as discussed in claim 1 above. It is also noted that at least the prior art of Kato teaches a pick up configured to record data on recording medium and a controller configured to control the pick up (see figures 1, 83-84 and 108 and paragraphs 0491-0494).

Regarding claim 9, the limitation of claim 9 can be found in claims 7 and 8. Therefore claim 9 is analyzed and rejected for the same reason as discussed in claims 7 and 8 above.

Claims 10 and 13 are rejected for the same reasons as discussed in claim 2 and 5 respectively above.

Regarding claims 14 and 17 are rejected for the same reasons as discussed in claims 2 and 5 above.

Regarding claims 18 and 21 are rejected for the same reasons as discussed in claims 2 and 5 above.

Regarding claims 22 and 25 are rejected for the same reasons as discussed in claims 2 and 5 above.

Regarding claims 26-30, Kato discloses the database area includes a clip information area storing first and second clip information, the first clip information file being associated with the first clip stream file, the second clip information file being associated with the second clip stream file (see figures 46 and 101 where the prior art shows a syntax of Clipinfo (see clip stream type), see paragraphs 0219, 0295 and 0299-0300). See also claim 1 rejection above.

Regarding claims 31-34, Kato discloses the recording medium is read-only and recordable recording medium (see paragraphs 0493-0494).

Regarding claims 35-39, Kato discloses the at least one still image data is selected from the video data (see paragraphs 0187-0189, 0373 and 0376).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 2484

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2484
November 03, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2484